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DATE: January 12, 2005

TO: Commissioner for Patents
Attn: Examiner Truong, Kevin Thao
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Glenn M. Seager

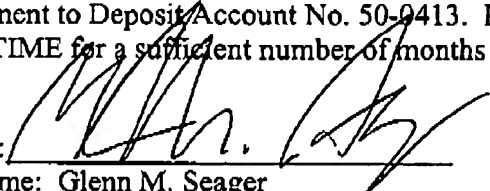
OUR REF: 1001.1350103
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Total pages, including cover letter: 2**PTO FAX NUMBER 703-872-9306**

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Title of Document Transmitted: Communication
Applicant: Thomas E. Broome et al.
Serial No.: 10/080,743
Filed: February 22, 2002
Group Art Unit: 3731
Our Ref. No.: 1001.1350103
Confirmation No. 4872
Customer No. 28075

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Name: JoAnn Lindman


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/080,743 Confirmation No.: 8417
Applicant : Thomas E. Broome et al.
Filed : February 22, 2002
TC/A.U. : 3731
Examiner : Truong, Kevin Thao
Title : DISTAL PROTECTION DEVICE AND METHOD
Docket No. : 1001.1350103
Customer No. : 28075

COMMUNICATION

Commissioner for Patents
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CERTIFICATE UNDER 37 C.F.R. 1.06(d): The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 703-872-9306, on this 12th day of January 2005.

By _____

JoAnn Lindman

Dear Sir:

U.S. Patent No. 6,152,946, a member of the same patent family of the above-captioned application has been asserted against an infringer in the U.S. District Court, District of Minnesota. The lawsuit is captioned: SciMed Life Systems, Inc., et al. v. Guidant Corp., et al., Court File No. 04-4962 JNE/JGL.

Respectfully submitted,

THOMAS E. BROOME ET AL.

By their Attorney,

Date: Jan. 12, 2005

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